

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BASHIR ALHALEMI,

Plaintiff,

-against-
CITY UNIVERSITY OF NEW YORK,

Defendant.

24-cv-6975 (LGS) (RFT)

REPORT AND RECOMMENDATION

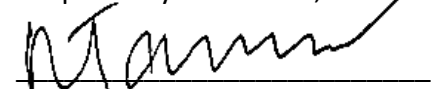
TO THE HONORABLE LORNA G. SCHOFIELD, UNITED STATES DISTRICT JUDGE:

Pending before the Court are Plaintiff's motions to amend the complaint (ECF 12) and Defendant's motion to dismiss the complaint (ECF 37).

I respectfully recommend that Your Honor deny those two motions as moot.¹ Defendant filed its motion to dismiss on March 25, 2025. (*See id.*) On April 2, 2025, I extended until April 23, 2025 the time for Plaintiff to file an amended complaint as of right. (*See* ECF 41, Order.) On April 23, 2025, Plaintiff timely filed an amended complaint (ECF 44) as of right after Defendant moved to dismiss the original complaint, rendering the pending motions moot.

DATED: May 5, 2025
New York, NY

Respectfully Submitted,



ROBYN F. TARNOFSKY

United States Magistrate Judge

¹ A magistrate judge may grant a motion to amend by order and opinion, *see, e.g., Antipova v. Caremount Med. P.C.*, 2022 WL 17820862, at *2 (S.D.N.Y. June 16, 2022), but if the motion to amend should be denied, the magistrate judge must issue a report and recommendation. *See, e.g., Bronx Conservatory of Music v. Kwaka*, 2022 WL 863264 (S.D.N.Y. Oct. 28, 2022). Of course, a magistrate must also issue a report and recommendation when addressing a motion to dismiss.

NOTICE OF PROCEDURE FOR FILING OBJECTIONS TO REPORT AND RECOMMENDATION

The parties shall have fourteen days (including weekends and holidays) from service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure to this Report and recommendation. A party may respond to another party's objections within fourteen days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Such objections, and any response to objections, shall be filed with the Clerk of the Court. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Any requests for an extension of time for filing objections must be addressed to Judge Schofield.

THE FAILURE TO OBJECT WITHIN FOURTEEN DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140 (1985).